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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,057	02/05/2004	Evelitsa Schweizerhof	81072993	2056

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EXAMINER

PATEL, RAMESH B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,057

Applicant(s)

SCHWEIZERHOF ET AL

Examiner

Ramesh B. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5, 4/8, 4/19 of 04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.
“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Information Disclosure Statement

4. The information disclosure statements (IDS) submitted on 2/5/04, 4/8/04 and 4/19/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements being considered by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Newmark (US Patent 6,631,305).

As to claims 1 and 12, Newmark teaches the invention including a computer-implemented method and a computer configured with instructions for analyzing a problem statement, the method and the computer, comprising: analyzing a problem statement based on a systematic set of predefined criteria to focus the problem statement in terms of an operational definition is taught as the process uses six sigma techniques to identify improvement opportunities for the improvement in assembly line production that overcomes the problem (see, abstract and col. 1, lines 34-45); assigning a level indicator to the operational definition (see, abstract and col. 4, lines 14-41); and analyzing the focused operational definition based on an integration of six sigma, lean manufacturing and kaizen analysis techniques corresponding with the level indicator (see, abstract and col. 3, line 3, to col. 4, line 41 and col. 5, line 53 to col. 6, line 10).

As to claims 2-6 and 13-16, Newmark teaches the method and computer further comprising defining a multiple-day six sigma Kaizen schedule for the integration of six sigma, lean manufacturing and Kaizen analysis techniques wherein defining the schedule comprises defining a five-day DMAIC schedule, and a multiple-day six sigma Kaizen schedule includes institutionalized standards and processes for a level II indicator, defect appearance measurement systems and processes for level III indicator and defect origination process controls for level IV indicator (see, abstract and col. 1, lines 34-45 and col. 3, line 3, to col. 4, line 41).

As to claims 7-11 and 17-20, Newmark teaches the method and the computer wherein analyzing the problem statement based on the systematic set of predefined criteria includes a computer graphically displaying a number of instructions to a user for gathering data and inputting data into the computer wherein assigning the level indicator includes the computer automatically assigning the level indicator based on the data inputted into the computer and further comprising the computer instructing the analysis of the operational definition based on the level indicator includes the computer automatically generating a six sigma Kaizen schedule based on the level indicator wherein the computer graphically displays the six sigma Kaizen schedule in a DMAIC format (see, abstract and figures 1-2 and col. 1, lines 34-45 and col. 3, line 3, to col. 4, line 41).


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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ramesh B. Patel
Primary Examiner
Art Unit 2121
5/6/05

rp